

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as deemed necessary to place the application in condition for allowance.

Specifically by this amendment claims 2-4, 25 and 28-35 have been amended. No claims have been canceled and no new claims have been added to the application. Accordingly, claims 1-35 are pending in the application. No new matter has been added.

In the prior Office Action, the Examiner noted that claims 28-35 were drafted as "use" claims in contravention of 35 U.S.C. §101. By this amendment, claims 28-35 have been amended to read as composition of matter claims. The amendments to claims 2-4 and 25 simply correct minor typographical errors in such claims.

Also in the prior Office Action, the Examiner issued a restriction requirement upon concluding that the application included claims directed to six patentably distinct invention groups. Applicant hereby elects, with traverse, the Group II invention, which is drawn to an antibody termed 9C9 that can be produced by hybridoma cells deposited as DSM ACC2714. The elected invention group encompasses claims 23 and each of claims 1-21, in part.

As noted above, this election is made with traverse. Applicant respectfully submits that the Examiner's contention that "the technical feature linking the inventions of Groups I-VI does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art" is in error. As noted in the specification of the present application, the presumption postulated by Roulea et al. in WO 00/26675 that schizophrenia is associated with the presence of polyglutamine-containing proteins is incorrect. Applicant has conducted experiments, which are described in the specification of the present application, that show that, contrary to the teachings of Roulea et al. in WO 00/26675, polyglutamine-containing proteins do not occur at elevated concentration in schizophrenia patients and thus cannot be used as diagnostic markers for schizophrenia. Applicant is the first to have found evidence indicating that the presence of misfolded proteins can serve as a diagnostic marker of schizophrenia or other neuropsychiatric diseases,

such as for example, depression or bipolar affective disorders. This technical feature, which defines a contribution over the prior art, should therefore be considered as a special technical feature as defined by PCT Rule 13.2.

Reconsideration of the requirement for restriction is thus respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. SCH-16772.

Respectfully submitted,

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